

## PATENT COOPERATION TREATY

PCT

17.06.2005

## INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY

(Chapter II of the Patent Cooperation Treaty)

TOD 16 JUN 2005

(PCT Article 36 and Rule 70)

WIPO

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Applicant's or agent's file reference BP 9912	<b>FOR FURTHER ACTION</b>		See Form PCT/PEA/416
International application No. PCT/GB2004/001161	International filing date (day/month/year) 18.03.2004	Priority date (day/month/year) 27.03.2003	
International Patent Classification (IPC) or national classification and IPC B65D50/06			
Applicant CASTROL LIMITED			

1. This report is the International preliminary examination report, established by this International Preliminary Examining Authority under Article 35 and transmitted to the applicant according to Article 36.

2. This REPORT consists of a total of 5 sheets, including this cover sheet.

3. This report is also accompanied by ANNEXES, comprising:

- (sent to the applicant and to the International Bureau)* a total of sheets, as follows:
  - sheets of the description, claims and/or drawings which have been amended and are the basis of this report and/or sheets containing rectifications authorized by this Authority (see Rule 70.16 and Section 607 of the Administrative Instructions).
  - sheets which supersede earlier sheets, but which this Authority considers contain an amendment that goes beyond the disclosure in the international application as filed, as indicated in item 4 of Box No. I and the Supplemental Box.
- (sent to the International Bureau only)* a total of (indicate type and number of electronic carrier(s)) , containing a sequence listing and/or tables related thereto, in computer readable form only, as indicated in the Supplemental Box Relating to Sequence Listing (see Section 802 of the Administrative Instructions).

4. This report contains indications relating to the following items:

- Box No. I Basis of the opinion
- Box No. II Priority
- Box No. III Non-establishment of opinion with regard to novelty, inventive step and industrial applicability
- Box No. IV Lack of unity of invention
- Box No. V Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
- Box No. VI Certain documents cited
- Box No. VII Certain defects in the international application
- Box No. VIII Certain observations on the international application

Date of submission of the demand  08.10.2004	Date of completion of this report  17.06.2005
Name and mailing address of the international preliminary examining authority:   European Patent Office - P.B. 5818 Patentlaan 2 NL-2280 HV Rijswijk - Pays Bas Tel. +31 70 340 - 2040 Tx: 31 651 epo nl Fax: +31 70 340 - 3016	Authorized Officer  Pernice, C  Telephone No. +31 70 340-3084



# **INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY**

International application No.  
PCT/GB2004/001161

### **Box No. I Basis of the report**

- With regard to the **language**, this report is based on the international application in the language in which it was filed, unless otherwise indicated under this item.
    - This report is based on translations from the original language into the following language , which is the language of a translation furnished for the purposes of:
      - international search (under Rules 12.3 and 23.1(b))
      - publication of the international application (under Rule 12.4)
      - international preliminary examination (under Rules 55.2 and/or 55.3)
  - With regard to the **elements\*** of the international application, this report is based on (*replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to this report*):

**Description, Pages**

**1-11** as originally filed

### **Claims, Numbers**

1-16 as originally filed

## **Drawings, Sheets**

1/4-4/4 as originally filed

- a sequence listing and/or any related table(s) - see Supplemental Box Relating to Sequence Listing
  - 3.  The amendments have resulted in the cancellation of:
    - the description, pages
    - the claims, Nos.
    - the drawings, sheets/figs
    - the sequence listing (*specify*):
    - any table(s) related to sequence listing (*specify*):
  - 4.  This report has been established as if (some of) the amendments annexed to this report and listed below had not been made, since they have been considered to go beyond the disclosure as filed, as indicated in the Supplemental Box (Rule 70.2(c)).
    - the description, pages
    - the claims, Nos.
    - the drawings, sheets/figs
    - the sequence listing (*specify*):
    - any table(s) related to sequence listing (*specify*):

\* If item 4 applies, some or all of these sheets may be marked "superseded."

**INTERNATIONAL PRELIMINARY REPORT  
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**Box No. V Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement**

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**1. Statement**

Novelty (N)	Yes:	Claims	7, 8, 10-12
	No:	Claims	1-6, 9, 13-16
Inventive step (IS)	Yes:	Claims	10-12
	No:	Claims	1-9, 13-16

Industrial applicability (IA)

Yes: Claims 1-16

No: Claims

**2. Citations and explanations (Rule 70.7):**

**see separate sheet**

**INTERNATIONAL PRELIMINARY  
REPORT ON PATENTABILITY  
(SEPARATE SHEET)**

International application No.  
PCT/GB2004/001161

**Re Item V.**

- 1 The following documents are referred to in this communication:

D1: US 3 514 003 A (FITZGERALD MILLARD C) 26 May 1970 (1970-05-26)  
D2: US 5 950 848 (BAUDIN GILLES) 14 September 1999 (1999-09-14)

**2 INDEPENDENT CLAIM 1**

- 2.1 The present application does not meet the criteria of Article 33(1) PCT, because the subject-matter of claim 1 is not new in the sense of Article 33(2) PCT.

Document D1 discloses (the references in parenthesis applying to this document):

A closure for a container which comprises a cap (10) and a locking ring (20); the cap being adapted in use to sealably engage the opening (31) of the outlet neck (30) of a container; and the locking ring being adapted in use to be mounted over the outlet neck (30) of said container and slidable between first and second positions, such that in use in the first position, the locking ring (20) engages said cap (10) and thereby prevents disengagement of said cap from said opening of said container and in the second position, the locking ring is disengaged from said cap thereby allowing said cap to disengage the opening of said outlet neck and retained in the second position on the outlet neck of said container (by gravity).

Claim 1 would be considered to be new and inventive if means for retaining said locking ring would have been defined, e.g. by the features of claim 10.

**3 DEPENDENT CLAIMS 2-6, 9, 13-16**

Dependent claims 2-6, 9, 13-16 do not contain any features which, in combination with the features of any claim to which they refer, meet the requirements of the PCT in respect of novelty (Article 33(2) and (3) PCT), see document D1 and the corresponding passages cited in the search report.

**3.1 DEPENDENT CLAIMS 7, 8**

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Dependent claims 7, 8 do not contain any features which, in combination with the features of any claim to which they refer, meet the requirements of the PCT in respect of inventive step (Article 33(2) and (3) PCT), see document D2 and the corresponding passages cited in the search report.

**3.2 DEPENDENT CLAIMS 14-16**

Claim 14-16 relate to a container and a closure as defined in claim 1-13 and therefore claims 14-16 have been regarded as being dependent on claims 1-13. Note however that, the novelty objection against claims 14-16 would remain the same should said claims be considered independent.

**4 DEPENDENT CLAIMS 10-12**

The combination of the features of dependent claims 10-12 are neither known from, nor rendered obvious by, the available prior art.